

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Barreca

Serial No.: Not yet assigned

Filed: Herewith

Atty. File No.: 3676-18-CON-3

For: FUNCTIONAL GUMS, LOZENGES  
AND LOLLIPOPS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

) Group Art Unit: 1615

)

) Examiner: Susan Tran

)

) PROVIDING INFORMATION FROM  
) RELATED LITIGATION  
) UNDER MPEP § 2001.06(C)  
)

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TYPED OR PRINTED NAME: Brenda Carpenter

SIGNATURE: Brenda Carpenter

Pursuant to the MPEP 2001.06(c), Applicant hereby discloses information from related litigation. The Applicant, Mr. Jack Barreca, is currently involved in litigation in the United States District Court for the District of Colorado, Civil Action No. 02-B-2302 (PAC). The litigation relates to patent infringement wherein Mr. Barreca sued the Defendants for patent infringement.

Enclosed herewith is a copy of the Complaint in the Colorado action (Exhibit A). Defendants have answered and have asserted non-infringement, invalidity and inequitable conduct as defenses.

It is respectfully requested that the Examiner review the enclosed information and acknowledge receipt of the same.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Joseph E. Kovarik

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Date: 8/21/03

J:\3676\18\con\3\info re litigation to pto.wpd